

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

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STRUCTURE TONE LLC, SUCCESSOR BY MERGER TO STRUCTURE TONE, INC. CA No:

Plaintiff,

-vs-

**NOTICE OF REMOVAL**

TRAVELERS PROPERTY CASUALTY COMPANY  
OF AMERICA

Defendant.

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**PLEASE TAKE NOTICE** Defendant Travelers Property Casualty Company of America (“Travelers”), by and through its attorneys, Reid & Associates, hereby invokes this Court’s jurisdiction under the provisions of 28 USC 1332(a), 1441, and 1446, stating the following grounds in support of the removal of the above-captioned case from the Supreme Court, State of New York, County of New York, to the United States District Court for the Southern District of New York:

1. The above-captioned action was commenced by Plaintiff, Structure Tone LLC, successor by merger to Structure Tone, Inc. (“Plaintiff”), in New York State Supreme Court, County of New York, by the filing of a Summons and Complaint on or about March 22, 2022. The New York County Clerk’s Office assigned this action Index No. 153266/2022 (the “State Action”).

2. A copy of Plaintiff’s Summons and Complaint is hereto annexed as **Exhibit A**.

3. In the State Action, Plaintiff asserts claims against Travelers and seeks a judgment declaring that Travelers has an obligation to indemnify and is estopped from denying additional insured coverage for indemnity to the Trustees of Columbia University in the City of New York

s/h/a, New York Presbyterian/Columbia University Medical Center and Structure Tone, Inc., in an underlying action captioned *Gustavo Quiroz and Jasmine Quiroz v. New York Presbyterian/Columbia University Medical Center and Structure Tone, Inc.* (the “Underlying Action”) which is pending in the Supreme Court of the State of New York, County of New York, Index No. 153266/2016.

4. In the Underlying Action, Gustavo Quiroz (the “Claimant”) asserts claims for personal injury and state labor law violations against the Trustees of Columbia University in the City of New York s/h/a, New York Presbyterian/Columbia University Medical Center and Structure Tone, Inc., for injuries allegedly sustained while working at a construction project.

5. In the Underlying Action, the Claimant alleges he was rendered sick, sore, lame and disabled, was confined to bed and home for a long period of time, was caused to expend large sums of money for medical aid and attention and has been prevented from attending his usual occupation and/or avocation for a long period of time.

6. PJ Mechanical Corporation (“PJ Mechanical”) and Penava Mechanical Corp. were also brought into the Underlying Action as defendants through a third-party complaint filed by Plaintiff, Structure Tone, Inc.

7. PJ Mechanical is insured by Travelers pursuant to a policy of Commercial General Liability Insurance bearing policy number VTC2J-CO-8213A228-TIL-14, with effective dates of June 1, 2014 through June 1, 2015.

8. Travelers has agreed to provide Plaintiff and the Trustees of Columbia University in the City of New York s/h/a, New York Presbyterian/Columbia University Medical Center with a defense as an additional insured in connection with the Underlying Action subject to a reservation of rights on indemnification.

9. As set forth above, the State Action is an attempt by Plaintiff to litigate Travelers' indemnity obligation in connection with the Underlying Action.

10. Removal of this action from the Supreme Court, State of New York, County of New York, to the United States District Court for the Southern District of New York is proper under 28 U.S.C. Section 1441(a). The Federal Court would have had original jurisdiction of this action based upon diversity of citizenship, pursuant to 28 U.S.C. Section 1332 had this action been commenced in Federal Court in the first instance.

11. Upon information and belief, Plaintiff, Structure Tone LLC, successor by merger to Structure Tone, Inc., is a New York limited liability corporation comprised of a single member which is a New York corporation with its principal place of business located in New York, New York, and is, therefore, a citizen of the State of New York.

12. Defendant Travelers is a Connecticut corporation with its principal office for the transaction of business in Hartford, Connecticut and is, therefore, a citizen of the State of Connecticut.

13. Upon information and belief, the amount in controversy as set by the indemnity value exceeds the sum of value of \$75,000.00, exclusive of interest and costs, and is between citizens of different states.

14. Pursuant to 28 U.S.C. Section 1332(a)(1), the United States District Court for the Southern District of New York shall have original jurisdiction of this proceeding.

15. This Notice of Removal is timely as the Complaint in this action was delivered to Travelers on April 7, 2022 after having been served by way of the New York Department of Financial Services, and this notice was filed within thirty (30) days of receipt of that pleading and within one year of the date upon which this action is commenced.

16. Travelers submits this Notice of Removal without waiving any defenses to Plaintiff's claims or conceding that Plaintiff has pled any claims upon which relief may be granted. Further, by filing this Notice of Removal, Travelers does not waive any defenses with respect to adequacy or effectiveness of service of process.

17. Contemporaneous with the filing of this Notice of Removal with the United States District Court for the Southern District of New York, Travelers is also filing a Notice of Filing of Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York.

**WHEREFORE**, Defendant Travelers Property Casualty Company of America respectfully requests that the State Action be removed from the Supreme Court, State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: Hartford, Connecticut  
May 6, 2022

**RESPECTFULLY SUBMITTED:**

**REID & ASSOCIATES**

By: /s/Meg R. Reid  
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*Attorneys for Defendant  
Travelers Property Casualty Company of  
America*

**CERTIFICATE OF SERVICE**

I, Meg R. Reid, hereby certify that, on this 6<sup>th</sup> day of May, 2022, a true and correct copy of the foregoing Notice of Removal has been served via the Court's Electronic Filing System on the following counsel of record and via email:

Thomas Dillon, Esq.  
The Dillon Law Firm LLP  
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/s/Meg R. Reid

Meg R. Reid